IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 32584 of 2006(D)

PETITIONER:

P.R.VARGHESE, PARAPPULLY HOUSE,
PADIYOOR, THRICHUR DISTRICT.

BY ADV. SRI.P.SANTHALINGAM
SRI.A.D.SHAJAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY SECRETARY
TO GOVERNMENT, CO-OPERATIVE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

3. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, THRICHUR DISTRICT, CO-OPERATIVE
BANK LTD., KURUPPAM ROAD, THRICHUR.

4. TRICHUR DISTRICT CO-OPERATIVE BANK,
HEAD OFFICE, THRICHUR, REP. BY SECRETARY.

5. THE SECRETARY,
DISTRICT CO-OPERATIVE BANK,
IRINJALAKUDA.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- A TRUE COPY OF THE NOTICE NO.LA.(SUTE)/2004 DATED 4.3.2004 ISSUED BY DY.GENERAL MANAGER, CO-OPERATIVE SOCIETIES, THRISSUR TO THE PETITIONER

EXT.P2- A TRUE COPY OF THE REPRESENTATION DATED 18.6.2004 SUBMITTED BY THE PETITIONER TO THE DISTRICT CO-OPERATIVE BANK, THRISSUR.

EXT.P3- A TRUE COPY OF THE AUCTION NOTICE DATED 17.6.2004 ISSUED BY THE THRISSUR DISTRICT CO-OPERATIVE BANK TO THE PETITIONER

EXT.P4- A TRUE COPY OF THE JUDGMENT IN W.P.(C).21496/04 DATED 15.9.06 IN THE HIGH COURT OF KERALA, ERNAKULAM.

EXT.P5- A TRUE COPY OF TH REPRESENTATION DATED 25.6.06 SENT BY THE PETITIONER TO THE DISTRICT CO-OPERATIVE BANK, THRISSUR.

EXT.P6- A TRUE COPY OF THE REPRESENTATION DATED 13.11.2006 SENT BY THE PETITIONER TO THE DISTRICT CO-OPERATIVE BANK, THRICHUR.

EXT.P7- A TRUE COPY OF THE REPLY DATED REF.NO.LA.SUIT. W.P.(C). 21496/04-05 DATED 20.11.06 ISSUED BY DISTRICT CO-OPERATIVE BANK, TRICHUR TO THE PETITIONER

EXT.P8- A TRUE COPY OF THE CIRCULAR NO.27/06 DATED 29.6.06 AND NO.C.B.(I) 725/06 ISSUED BY REGISTRAR, OFFICE OF THE CO-OPERATIVE SOCIETIES, TVM.

EXT.P9- A TRUE COPY OF THE REPORT INTIMATING WAIVER OF INTEREST DATED 15.9.05 MALAYALA MANORAMA DAILY NEWSPAPER

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 32584/2006 (D)

Dated this the 25th day of January, 2007

JUDGMENT

The writ petitioner was a defaulter. He approached the respondents 4 and 5, as per the directions of this Court in the writ petition, filed by him before this Court. Ext.P7 reveal that after extending the benefits of One Time Settlement scheme and deducting the amount thereon, the total amount of Rs.5,35,468/- was found due. By deducting the amount remitted by him to the fourth respondent, an excess amount of Rs.98,415/- was returned to him, by way of demand draft. However, the writ petitioner now complains that the calculation made is wrong and more amount is to be returned to him than Rs.98,415/-.

2. After hearing all concerned, I direct the fourth respondent, Trichur District Co-operative Bank, to hear the writ petitioner and consider the contentions that may be raised by him before the fourth respondent. A

statement of accounts, for arriving at the conclusion as stated in Ext.P7, shall also be supplied to him. Thereafter, if any amount is due to him, in excess of Rs.98,415/- already paid to him by way of a demand draft, shall also be returned to him. This shall be done within one month from the date of receipt of a copy of this judgment by the fourth respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs